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## II. AMENDMENTS TO THE CLAIMS

### *Listing of Claims with Status Identified*

This listing of claims will replace all prior versions and listings of claims in the application:

Claims 1, 11, and 13 (currently amended)

Claims 2- 10, 12, 14-20 (original):

Claim 8 (canceled)

### *Claims*

1. (amended) A wall fastener locating and marking tool for aiding in the location and placement on walls of planar articles having wall fastener hardware, said apparatus comprising:

a vertical member having an upper end, a lower end, a front side, a back side, and a longitudinal axis;

~~a horizontal bar attached to said vertical member with connection means attached to said vertical member~~ proximate said upper end and having a front side and a back side, a longitudinal axis substantially perpendicular to said longitudinal axis of said vertical member, and further including leveling means;

a handle portion connected to and disposed from said upper end of said vertical member and extending outwardly from said front side, such that it is disposed over the top of the planar article when in use; and

a marking tool assembly releasably connected to said vertical member and slidable along said longitudinal axis of said vertical member, said marking tool assembly including a marking tool having a tip and retention means ~~for bearing an object by its wall fastener hardware;~~

whereby when said apparatus is in use, the planar article is suspended by its wall fastener hardware by said retention means and is disposed between said handle portion and said front side

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of said vertical member.

2. (original) The apparatus of claim 1, wherein said vertical member includes at least a front side and a back side.

3. (original) The apparatus of claim 1, wherein said vertical member further includes a slot running proximate said lower end to proximate said upper end.

4. (original) The apparatus of claim 1, wherein said leveling means is a level bubble disposed in a substantially parallel orientation to said longitudinal axis of said horizontal bar.

5. (original) The apparatus of claim 1, wherein said horizontal bar is generally elongate and includes at least a bottom side and a back side.

6. (original) The apparatus of claim 5, wherein said bottom side of said horizontal bar is substantially planar and is parallel to said longitudinal axis of said horizontal bar.

7. (original) The apparatus of claim 1, wherein said horizontal bar has a mid-portion and further includes a recess at said mid-portion which mates with said vertical member.

8. (cancelled)

9. (currently amended) The apparatus of claim 1, further including padding material attached to said back side of said horizontal bar and having a bottom side substantially planar ~~includes a bottom side substantially planar~~ and parallel to said ~~the~~ longitudinal axis of said

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horizontal bar.

10. (original) The apparatus of claim 1, wherein said handle portion is integral with said vertical member.

11. (currently amended) The apparatus of claim 10, wherein said vertical member includes a bend at said upper end which directs an extension of said vertical member forwardly and downwardly to form said handle portion.

12. (original) The apparatus of claim 1, wherein said handle portion includes a grip portion having a molded grip.

13. (currently amended) The apparatus of claim 1, wherein said marking tool assembly further includes a protective collar disposed around said marking tool tip.

14. (original) The apparatus of claim 13, wherein said marking tool assembly includes a marking punch having a pointed tip comprising said marking tool tip.

15. (original) The apparatus of claim 14, wherein said marking punch further includes a threaded middle portion and a conical cap, the latter providing a channel in which fastener hardware may be disposed when in use.

16. (original) The apparatus of claim 15, wherein said marking tool assembly includes a nut having a front side for surface-to-surface frictional contact with said vertical member, a rear side, and a threaded hole extending from the front adapted to releasably capture said threaded

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middle portion of said marking punch.

17. (original) The apparatus of claim 16, wherein said nut includes a cavity housing resilient material which urges said protective collar into an extended position, and wherein said protective collar is axially disposed around said marking tool tip and is depressible into the cavity so as to expose said marking tool tip.

18. (original) The apparatus of claim 15, wherein said nut includes annular gripping structure and a retention plate each concentrically disposed on said nut and defining a channel intermediate said gripping structure and said retention plate.

19. (currently amended) The apparatus of claim 1, further including a resilient clip interposed between said handle portion and said vertical member ~~for releasably capturing an object~~ for releasably capturing the planar article between said clip and said vertical member.

20. (original) The apparatus of claim 19, wherein said clip includes a non-slip resilient base.